

UNOFFICIAL VERSION

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WEDNESDAY, APRIL 11, 2012

SEVENTIETH LEGISLATIVE DAY

CALL TO ORDER

The Senate met at 8:30 a.m., and was called to order by Mr. Speaker Ramsey.

PRAYER

The proceedings were opened with prayer by Minister Stephen Sutton of Maury City Church of Christ in Maury City, Tennessee, a guest of Senator Gresham.

PLEDGE OF ALLEGIANCE

Senator Gresham led the Senate in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll call was taken with the following results:

Present 33

Senators present were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--33.

STANDING COMMITTEE REPORTS

FINANCE, WAYS AND MEANS

MR. SPEAKER: Your Committee on Finance, Ways and Means begs leave to report that we have carefully considered and recommend for passage: Senate Bills Nos. 2234 with amendment, 2253 with amendment, 2604 with amendment, 2818, 2853 with amendment and 3458; Senate Joint Resolutions Nos. 183 with amendment, 693 with amendment and 710 with amendment; and House Joint Resolution No. 614.

MCNALLY, Chairperson
April 10, 2012

The Speaker announced that he had referred Senate Bills Nos. 2234 with amendment, 2253 with amendment, 2604 with amendment, 2818, 2853 with amendment and 3458; Senate Joint Resolutions Nos. 183 with amendment, 693 with amendment and 710 with amendment; and House Joint Resolution No. 614 to the Committee on Calendar.

JUDICIARY

MR. SPEAKER: Your Committee on Judiciary begs leave to report that we have carefully considered and recommend for passage: Senate Bills Nos. 1093 with amendment, 2179 with amendment, 2284, 2388, 2489 with amendment, 2519 with amendment, 2569 with amendment,

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2590 with amendment, 2605, 2697 with amendment, 2728, 2856, 2891, 2948 with amendment, 3142, 3150, 3257, 3279, 3305, 3324 with amendment, 3513, 3517 and 3642 with amendment; Senate Resolution No. 93; Senate Joint Resolution No. 671; and House Joint Resolution No. 679; also, recommend that Senate Bills Nos. 1804 with amendment, 2349, 2371 with amendment, 2606 with amendment, 2759 with amendment, 2836 with amendment, 2890 with amendment and 3520 with amendment be referred to Committee on Finance, Ways and Means.

BEAVERS, Chairperson
April 10, 2012

The Speaker announced that he had referred Senate Bills Nos. 1093 with amendment, 2179 with amendment, 2284, 2388, 2489 with amendment, 2519 with amendment, 2569 with amendment, 2590 with amendment, 2605, 2697 with amendment, 2728, 2856, 2891, 2948 with amendment, 3142, 3150, 3257, 3279, 3305, 3324 with amendment, 3513, 3517 and 3642 with amendment; Senate Resolution No. 93; Senate Joint Resolution No. 671; and House Joint Resolution No. 679 to the Committee on Calendar.

The Speaker announced that he had referred Senate Bills Nos. 1804 with amendment, 2349, 2371 with amendment, 2606 with amendment, 2759 with amendment, 2836 with amendment, 2890 with amendment and 3520 with amendment to the Committee on Finance, Ways and Means.

MOTION

Senator Norris moved, pursuant to Rule 32 and Article II, Section 18 of the Constitution of the State of Tennessee, **Senate Bill No. 3813** be passed on first consideration, which motion prevailed.

INTRODUCTION OF BILL

The Speaker announced that the following bill was filed for introduction and passed first consideration:

Senate Bill No. 3813 by Senator Yager.

Oliver Springs -- As introduced, subject to local approval, moves the date of the city election to coincide with the November general election; extends the four-year terms of office of the mayor and councilmen elected at the regular city election held in June, 2009, and the councilmen elected at the regular city election held in June, 2011, to expire on the first Thursday in November in 2013 and 2015, respectively. Amends Chapter 247 of the Acts of 1905; as amended and rewritten.

MOTION

Senator Norris moved, pursuant to Rule 32 and Article II, Section 18 of the Constitution of the State of Tennessee, **House Bills Nos. 1572, 2222, 2250, 2645, 3862 and 3868** be passed on first consideration, which motion prevailed.

HOUSE BILLS ON FIRST CONSIDERATION

The Speaker announced that the following House Bills were transmitted to the Senate and passed first consideration:

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House Bill No. 1572 -- Fire Prevention and Investigation -- As introduced, requires persons setting fires to woods or other property to give a minimum of 3, instead of 2, days' notice to adjacent landowners. Amends TCA Title 11, Chapter 4, Part 8 and Title 68.

House Bill No. 2222 -- Teachers, Principals and School Personnel -- As introduced, requires local boards of education to adopt dress codes for professional employees. Amends TCA Title 49, Chapter 1; Title 49, Chapter 2 and Title 49, Chapter 5.

House Bill No. 2250 -- Sentencing -- As introduced, enacts the "Educate, Don't Incarcerate Act". Amends TCA Title 4, Chapter 3, Part 3; Title 40 and Title 49.

House Bill No. 2645 -- Criminal Offenses -- As introduced, expands the drugs whose production, manufacture, distribution, or sale would be a crime under the present law offense regarding synthetic derivatives or analogues of methcathinone. Amends TCA Title 39.

House Bill No. 3862 -- Williamson County -- As introduced, subject to local approval, creates a special juvenile court in Williamson County pursuant to the "Juvenile Court Restructure Act of 1982".

House Bill No. 3868 -- Millington -- As introduced, subject to local approval, rewrites the charter; creates the position of "city manager" to be appointed by and serve at the pleasure of the board of mayor and aldermen. Amends Chapter 238 of the Acts of 1903.

MOTION

Senator Norris moved, pursuant to Rule 21, **Senate Joint Resolutions Nos. 765 through 776**; and **Senate Resolution No. 97** be passed on first consideration and lie over, which motion prevailed.

INTRODUCTION OF RESOLUTIONS

The Speaker announced that the following resolutions were filed for introduction. Pursuant to Rule 21, the resolutions lie over.

Senate Joint Resolution No. 765 by Senator Tracy.
Memorials, Retirement -- Barry Cooper.

Senate Joint Resolution No. 766 by Senator Beavers.
Memorials, Recognition -- Paul Agee, Wilson County Agricultural Hall of Fame.

Senate Joint Resolution No. 767 by Senator Beavers.
Memorials, Recognition -- Betty Delaine Bradford Freeman, Wilson County Agricultural Hall of Fame.

Senate Joint Resolution No. 768 by Senator Beavers.
Memorials, Recognition -- Newell Jenkins, Wilson County Agricultural Hall of Fame.

Senate Joint Resolution No. 769 by Senator Beavers.
Memorials, Recognition -- Charles Willoughby, Wilson County Agricultural Hall of Fame.

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Senate Joint Resolution No. 770 by Senator Roberts.

Memorials, Recognition -- White House Heritage High School, TVA Green Schools Program.

Senate Joint Resolution No. 771 by Senator Roberts.

Memorials, Recognition -- Greenbrier Middle School, TVA Green Schools Program.

Senate Joint Resolution No. 772 by Senator Roberts.

Memorials, Recognition -- Jo Byrns Elementary School, TVA Green Schools Program.

Senate Joint Resolution No. 773 by Senators Massey, Tracy, Faulk, Watson, Johnson, Bell, Burks, Beavers, Ketron, Southerland, Overbey, Kelsey; Mr. Speaker Ramsey; and Senators Henry, Haynes, Herron, Ford, Berke, Campfield, Stewart, Summerville, Gresham, Roberts, Yager, Crowe, Norris, Barnes, Finney, Kyle, Harper, Marrero, Tate and McNally.

Memorials, Death -- Joyce Hicks Burchett.

Senate Joint Resolution No. 774 by Senator Haynes.

Memorials, Sports -- Donelson Christian Academy boys basketball team, Division II-A Champion.

Senate Joint Resolution No. 775 by Senator Crowe.

Memorials, Interns -- Greg Dowell.

Senate Joint Resolution No. 776 by Senator Bell.

Constitutional Amendments -- Proposes an amendment to Article XI, of the Constitution of Tennessee, to permit the general assembly by statute to establish limitations on damages in civil liability actions and other causes of action.

Senate Resolution No. 97 by Senator Stewart.

Memorials, Retirement -- Deborah Rains.

MOTION

Senator Norris moved, pursuant to Rule 21, **House Joint Resolutions Nos. 864 through 868**; and **Senate Joint Resolutions Nos. 751 through 759 and 761 through 764** lie over and be referred to the appropriate committees or held on the Clerk's desk, which motion prevailed.

RESOLUTIONS LYING OVER

The Speaker announced that the following resolutions passed second consideration and were referred to the appropriate committees or held on the desk, pursuant to Rule 21:

House Joint Resolution No. 864 -- Memorials, Retirement -- Dr. Jerry Hale.

The Speaker announced that he had referred House Joint Resolution No. 864 to the Committee on Calendar.

House Joint Resolution No. 865 -- Memorials, Death -- Mercy Yrabedra.

The Speaker announced that he had referred House Joint Resolution No. 865 to the Committee on Calendar.

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House Joint Resolution No. 866 -- Memorials, Academic Achievement -- Olivia Ruth Hicks, Valedictorian, Sequatchie County High School.

The Speaker announced that he had referred House Joint Resolution No. 866 to the Committee on Calendar.

House Joint Resolution No. 867 -- Memorials, Academic Achievement -- Sarah Kady-Mae Roberson, Valedictorian, Bledsoe County High School.

The Speaker announced that he had referred House Joint Resolution No. 867 to the Committee on Calendar.

House Joint Resolution No. 868 -- Memorials, Academic Achievement -- William Parker McCullough, Valedictorian, Rockwood High School.

The Speaker announced that he had referred House Joint Resolution No. 868 to the Committee on Calendar.

Senate Joint Resolution No. 751 -- Memorials, Death -- Joe "Tiger Joe" Thompson, Jr.

The Speaker announced that he had referred Senate Joint Resolution No. 751 to the Committee on Calendar.

Senate Joint Resolution No. 752 -- Memorials, Academic Achievement -- Ashley Thi Truong, Valedictorian, Kingsbury High School.

The Speaker announced that he had referred Senate Joint Resolution No. 752 to the Committee on Calendar.

Senate Joint Resolution No. 753 -- Memorials, Academic Achievement -- Keriyon Hunter, Salutatorian, Kingsbury High School.

The Speaker announced that he had referred Senate Joint Resolution No. 753 to the Committee on Calendar.

Senate Joint Resolution No. 754 -- Memorials, Academic Achievement -- Kara Skjoldager, Valedictorian, Central High School.

The Speaker announced that he had referred Senate Joint Resolution No. 754 to the Committee on Calendar.

Senate Joint Resolution No. 755 -- Memorials, Academic Achievement -- Elizabeth Forester, Salutatorian, Central High School.

The Speaker announced that he had referred Senate Joint Resolution No. 755 to the Committee on Calendar.

Senate Joint Resolution No. 756 -- Memorials, Academic Achievement -- Jordaan Tiara McGill, Salutatorian, Central High School.

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The Speaker announced that he had referred Senate Joint Resolution No. 756 to the Committee on Calendar.

Senate Joint Resolution No. 757 -- Memorials, Death -- Robert Eugene Tipton, Jr.

The Speaker announced that he had referred Senate Joint Resolution No. 757 to the Committee on Calendar.

Senate Joint Resolution No. 758 -- Memorials, Death -- Ryan Barek Edwards.

The Speaker announced that he had referred Senate Joint Resolution No. 758 to the Committee on Calendar.

Senate Joint Resolution No. 759 -- Memorials, Public Service -- Senator Joe M. Haynes.

The Speaker announced that he had referred Senate Joint Resolution No. 759 to the Committee on Calendar.

Senate Joint Resolution No. 761 -- Memorials, Recognition -- Catholic Charities of Tennessee, Inc., 50th anniversary.

The Speaker announced that he had referred Senate Joint Resolution No. 761 to the Committee on Calendar.

Senate Joint Resolution No. 762 -- Memorials, Death -- former Senator William Allen Richardson, Jr.

The Speaker announced that he had referred Senate Joint Resolution No. 762 to the Committee on Calendar.

Senate Joint Resolution No. 763 -- Memorials, Public Service -- Senator Mike Faulk.

The Speaker announced that he had referred Senate Joint Resolution No. 763 to the Committee on Calendar.

Senate Joint Resolution No. 764 -- Memorials, Recognition -- Reverend Stanford L. Hunt.

The Speaker announced that he had referred Senate Joint Resolution No. 764 to the Committee on Calendar.

PRESENTATION

Senator Ketron introduced Mr. Trace Blankenship to the Senate.

MOTION

Senator Burks moved that Rule 37 be suspended for the immediate consideration of **Senate Joint Resolution No. 671**, out of order, which motion prevailed.

RESOLUTION LYING OVER

Senate Joint Resolution No. 671 -- Naming and Designating -- "Child Abuse Prevention Month", April, 2012.

On motion of Senator Burks, the rules were suspended for the immediate consideration of the resolution.

On motion, **Senate Joint Resolution No. 671** was adopted.

A motion to reconsider was tabled.

PRESENTATION

Senator Herron presented **Senate Joint Resolution No. 760** to Mr. Homer Malone.

MOTION

Senator Ketron moved that Rule 37 be suspended for the immediate consideration of **House Joint Resolution No. 860**, out of order, which motion prevailed.

RESOLUTION LYING OVER

House Joint Resolution No. 860 -- Memorials, Sports -- Riverdale High School Lady Warriors basketball team, Class AAA State Champions.

On motion of Senator Ketron, the rules were suspended for the immediate consideration of the resolution.

On motion, **House Joint Resolution No. 860** was concurred in.

A motion to reconsider was tabled.

NOTICES

MESSAGE FROM THE HOUSE

April 9, 2012

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 1252, substituted for House Bill on same subject, amended, and passed by the House.

JOE MCCORD,
Chief Clerk.

MESSAGE FROM THE HOUSE

April 9, 2012

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 3179, substituted for House Bill on same subject, amended, and passed by the House.

JOE MCCORD,
Chief Clerk.

MESSAGE FROM THE HOUSE

April 9, 2012

MR. SPEAKER: I am directed to transmit to the Senate, House Bill No. 2683. The House nonconcurred in Senate Amendment No. 1.

JOE MCCORD,
Chief Clerk.

MESSAGE FROM THE HOUSE

April 9, 2012

MR. SPEAKER: I am directed to return to the Senate, House Bill No. 3633, as requested.

JOE MCCORD,
Chief Clerk.

CONSENT CALENDAR

Senate Joint Resolution No. 734 -- Memorials, Academic Achievement -- Alec Mullen, Salutatorian, Mt. Juliet High School.

Senate Joint Resolution No. 735 -- Memorials, Academic Achievement -- Forrest Goodwin, Valedictorian, Mt. Juliet High School.

Senate Joint Resolution No. 736 -- Memorials, Recognition -- Catholic Diocese of Nashville, 175th anniversary.

Senate Joint Resolution No. 737 -- Memorials, Retirement -- Clint Parnell.

Senate Joint Resolution No. 739 -- Memorials, Retirement -- Assistant Chief James T. Carroll, Chattanooga Police Department.

Senate Joint Resolution No. 740 -- Memorials, Death -- Haynes Edwin Elliott.

Senate Joint Resolution No. 741 -- Memorials, Recognition -- Patsy Hazlewood, 2012 Tennessee Woman of Distinction.

Senate Resolution No. 95 -- Memorials, Death -- Rex Bond.

House Joint Resolution No. 849 -- Memorials, Academic Achievement -- Hailey Speck, Valedictorian, Watertown High School.

House Joint Resolution No. 850 -- Memorials, Recognition -- Volunteer State Bank.

House Joint Resolution No. 851 -- Memorials, Recognition -- J.B. Donoho Nursery.

House Joint Resolution No. 852 -- Memorials, Recognition -- Gibson Furniture & Patio, 40th anniversary.

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Senator Faulk moved that all Senate Joint Resolutions and Senate Resolutions be adopted; and all House Joint Resolutions be concurred in, which motion prevailed by the following vote:

Ayes 32
Noes 0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Summerville, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--32.

A motion to reconsider was tabled.

RECESS

Senator Norris moved the Senate stand in recess for ten minutes, which motion prevailed.

CALL TO ORDER

The Senate was called to order by Mr. Speaker Ramsey.

ROLL CALL

The Speaker declared that a quorum was present.

On motion, the roll call was dispensed with.

CALENDAR

Senate Joint Resolution No. 183 -- Constitutional Amendments -- Proposes an amendment to Section 3 of Article VI of the Tennessee Constitution to unequivocally authorize the general assembly, by statute, to establish a system of merit-based appointments with retention elections for appellate court judges.

Senator Overbey declared Rule 13 on **Senate Joint Resolution No. 183**.

Senator Faulk declared Rule 13 on **Senate Joint Resolution No. 183**.

On motion of Senator Beavers, Amendment No. 1 was withdrawn.

On motion of Senator McNally, Amendment No. 2 was withdrawn.

Senator Norris moved that the Clerk read the resolution, which motion prevailed.

The Clerk read the resolution.

Thereupon, Mr. Speaker Ramsey declared pursuant to Article XI, Section 3, **Senate Joint Resolution No. 183** had been read.

Senate Joint Resolution No. 710 -- Constitutional Amendments -- As introduced, proposes an amendment to Article VI, Section 3 in order to constitutionally enshrine a system for selection of each appellate court judge by means of merit-based gubernatorial appointment with legislative confirmation and, thereafter, contingent upon a satisfactory job performance evaluation, retention election by the voters of the state.

Senator Overbey declared Rule 13 on **Senate Joint Resolution No. 710**.

Senator Faulk declared Rule 13 on **Senate Joint Resolution No. 710**.

Senator Beavers moved that Amendment No. 1 be placed behind Amendment No. 2, which motion prevailed.

Senator McNally moved to amend as follows:

AMENDMENT NO. 2

AMEND by deleting the first resolving clause in its entirety and by substituting instead the following:

BE IT RESOLVED BY THE SENATE OF THE ONE HUNDRED SEVENTH GENERAL ASSEMBLY OF THE STATE OF TENNESSEE, THE HOUSE OF REPRESENTATIVES CONCURRING, that a majority of all the members of each house concurring, as shown by the yeas and nays entered on their journals, that it is proposed:

That Article VI, Section 3, of the Constitution of Tennessee be amended by deleting the first and second sentences and by substituting instead the following:

Judges of the Supreme Court or any intermediate appellate court shall be appointed for a full term or to fill a vacancy by and at the sole discretion of the governor based on merit; shall be confirmed by the Legislature; and thereafter, shall be elected in a retention election by the qualified voters of the state. Confirmation by default occurs if the Legislature fails to reject an appointee within sixty calendar days of either the date of appointment, if made during the annual legislative session, or the convening date of the next annual legislative session, if made out of session. The Legislature is authorized to prescribe such provisions as may be necessary to carry out Sections 2 and 3 of this article.

On motion, Amendment No. 2 was adopted by the following vote:

Ayes 21
Noes 9

Senators voting aye were: Beavers, Bell, Campfield, Crowe, Ford, Gresham, Henry, Johnson, Kelsey, Ketron, Massey, McNally, Norris, Overbey, Roberts, Southerland, Summerville, Tracy, Watson, Yager and Mr. Speaker Ramsey--21.

Senators voting no were: Barnes, Berke, Burks, Finney, Harper, Haynes, Herron, Marrero and Tate--9.

On motion of Senator Beavers, Amendment No. 1 was withdrawn.

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On motion of Senator Kelsey, Amendment No. 3 was withdrawn.

Senator Kelsey moved that the Clerk read the resolution, which motion prevailed.

The Clerk read the resolution.

Thereupon, Mr. Speaker Ramsey declared pursuant to Article XI, Section 3, **Senate Joint Resolution No. 710**, as amended, had been read.

Senator Watson moved that **Senate Bill No. 233** be placed on the Calendar for Thursday, April 19, 2012, which motion prevailed.

Senator Massey moved that **Senate Bill No. 420** be placed on the Calendar for Wednesday, April 18, 2012, which motion prevailed.

Senate Bill No. 429 -- Special License Plates -- As introduced, authorizes disabled persons who receive special license plates to obtain a decal to affix to such specialty plates; recognizes plates with affixed decals as disabled driver plates. Amends TCA Title 55, Chapter 21 and Title 55, Chapter 4.

On motion, Senate Bill No. 429 was made to conform with **House Bill No. 429**.

On motion, House Bill No. 429, on same subject, was substituted for Senate Bill No. 429.

On motion of Senator Tracy, Amendment No. 1 was withdrawn.

Thereupon, **House Bill No. 429** passed its third and final consideration by the following vote:

Ayes	31
Noes	0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Marrero, Massey, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--31.

A motion to reconsider was tabled.

Senator Beavers moved that **Senate Bill No. 674** be rereferred to the Committee on Calendar, which motion prevailed.

Senate Bill No. 948 -- Parks, Natural Areas Preservation -- As introduced, increases from two to three years time after designation into the system that the Commissioner of Environment and Conservation have completed a comprehensive plan of development and protection and begun the process of acquisition. Amends TCA Title 11.

Senator Yager moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting Section 1 in its entirety and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 11-14-307(b)(1), is amended by adding the following as a new subdivision:

(F) Reimbursement of greenbelt rollback taxes assessed against a county or municipal government as the result of acquisition of land for a park; provided, however, that if the land is not used as a park for ten (10) years or more, the county or municipality shall repay the amount of the reimbursement to the fund.

On motion, Amendment No. 1 was adopted.

Thereupon, **Senate Bill No. 948**, as amended, passed its third and final consideration by the following vote:

Ayes 33
Noes 0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--33.

A motion to reconsider was tabled.

Senate Bill No. 1329 -- Local Government, General -- As introduced, applies certain regulations on a state-wide basis concerning hours of operation, prohibited acts, and permitting regulations for employees and entertainers of adult-oriented establishments and adult cabarets. Amends TCA Title 7.

Senator Yager moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 7-51-1401, is amended by adding the following as a new, appropriately designated subdivision:

() "Family recreation center" means any facility, which is oriented principally towards meeting the athletic or recreational needs of families and whose targeted customer is a minor child, including, but not limited to, the provision of one or more of the following: ice skating; roller skating; skateboarding; paintball; mini-golf; bowling; go-carts; climbing facilities; athletic fields or courts; or other similar athletic or recreation activities;

SECTION 2. Tennessee Code Annotated, Section 7-51-1407, is amended by inserting the language "or adult cabaret" between the language "establishment", and the language "shall not" in subdivision (a)(1), and by inserting the language ", family recreation center," after the language "a public park," where such language is located in subdivisions (a)(1) and (2).

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Thereupon, **Senate Bill No. 1329**, as amended, passed its third and final consideration by the following vote:

Ayes	31
Noes	0
Present, not voting . . .	1

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, Massey, McNally, Norris, Overbey, Roberts, Stewart, Summerville, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--31.

Senator present and not voting was: Henry--1.

A motion to reconsider was tabled.

Senate Bill No. 1504 -- Capitol -- As introduced, creates David Crockett Commission to oversee erection of monument or statue honoring David Crockett.

Senator Bell moved to amend as follows:

AMENDMENT NO. 1

AMEND by adding the following language immediately preceding the effective date section and by renumbering the subsequent section accordingly:

SECTION __. Within thirty (30) days of the erection of the monument or statue in accordance with this act the David Crockett Commission shall submit to the governor, the Speakers of the Senate and the House of Representatives, and the Chairs of the House and Senate Government Operations Committees a complete and detailed report setting forth its operation and accomplishments, at which time the commission shall cease to exist.

On motion, Amendment No. 1 was adopted.

Thereupon, **Senate Bill No. 1504**, as amended, passed its third and final consideration by the following vote:

Ayes	33
Noes	0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--33.

A motion to reconsider was tabled.

MOTION

Senator Kyle moved that Rule 37 be suspended for the immediate consideration of **Senate Joint Resolution No. 759**, out of order, which motion prevailed.

RESOLUTION LYING OVER

Senate Joint Resolution No. 759 -- Memorials, Public Service -- Senator Joe M. Haynes.

On motion of Senator Kyle, the rules were suspended for the immediate consideration of the resolution.

On motion, **Senate Joint Resolution No. 759** was adopted.

A motion to reconsider was tabled.

CALENDAR

Senate Bill No. 1759 -- Fire Prevention and Investigation -- As introduced, requires persons setting fires to woods or other property to give a minimum of 3, instead of 2, days' notice to adjacent landowners. Amends TCA Title 11, Chapter 4, Part 8 and Title 68.

On motion, Senate Bill No. 1759 was made to conform with **House Bill No. 1572**.

On motion, House Bill No. 1572, on same subject, was substituted for Senate Bill No. 1759.

On motion of Senator Southerland, Amendment No. 1 was withdrawn.

Senator Southerland moved to amend as follows:

AMENDMENT NO. 2

AMEND by adding the following as an appropriately designated subsection in Section 3:

() Certified prescribed burn managers shall obtain liability insurance with policy limits of not less than five hundred thousand dollars (\$500,000) for bodily injury or death and not less than one hundred thousand dollars (\$100,000) for injury to or destruction of property for acts of negligence arising from the management of prescribed burning.

On motion, Amendment No. 2 was adopted.

Senator Beavers moved to amend as follows:

AMENDMENT NO. 3

AMEND by deleting the following language from Section 3 of the bill as amended:

() Certified prescribed burn managers shall obtain liability insurance with policy limits of not less than five hundred thousand dollars (\$500,000) for bodily injury or death and not less than one hundred thousand dollars (\$100,000) for injury to or destruction of property for acts of negligence arising from the management of prescribed burning.

Senator Haynes moved that Amendment No. 3 go to the table, which motion failed by the following vote:

Ayes 14
Noes 17

Senators voting aye were: Barnes, Berke, Burks, Finney, Ford, Harper, Haynes, Henry, Herron, Kyle, Marrero, Stewart, Summerville and Tate--14.

Senators voting no were: Beavers, Bell, Campfield, Crowe, Gresham, Johnson, Kelsey, Ketron, Massey, McNally, Norris, Roberts, Southerland, Tracy, Watson, Yager and Mr. Speaker Ramsey--17.

Senator Ketron moved that **House Bill No. 1572**, as amended, be placed on the Calendar for Thursday, April 12, 2012, which motion prevailed.

MOTION

Senator Beavers moved that Rule 83(8) be suspended for the purpose of placing **Senate Bill No. 3084** on the calendar for the Committee on Judiciary for Wednesday, April 11, 2012, which motion prevailed.

MOTION

On motion of Senators Ford and Overbey, their names were added as sponsors of **Senate Bill No. 429**.

On motion of Senator Overbey, his name was added as sponsor of **Senate Bill No. 1504**.

On motion of Senator Barnes, his name was added as prime sponsor of **Senate Bill No. 2120**.

On motion of Senator Kelsey, his name was removed as sponsor of **Senate Bill No. 2120**.

On motion of Senators Burks, Overbey and Yager, their names were added as sponsors of **Senate Bill No. 2407**.

On motion of Senator Yager, his name was added as sponsor of **Senate Bill No. 2421**.

On motion of Senator Bell, his name was added as sponsor of **Senate Bill No. 2480**.

On motion of Senators Overbey and Yager, their names were added as sponsors of **Senate Bill No. 2507**.

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On motion of Senator Beavers, her name was added as sponsor of **Senate Bill No. 2617; and House Joint Resolutions Nos. 614 and 849.**

On motion of Senator Marrero, her name was added as prime sponsor of **Senate Bill No. 2667.**

On motion of Senator Kelsey, his name was removed as sponsor of **Senate Bill No. 2667.**

On motion of Senator Marrero, her name was added as prime sponsor of **Senate Bill No. 3154.**

On motion of Senator Kelsey, his name was removed as sponsor of **Senate Bill No. 3154.**

On motion of Senator Bell, his name was added as prime sponsor of **Senate Bill No. 3654.**

On motion of Senator Kelsey, his name was removed as sponsor of **Senate Bill No. 3654.**

On motion of Senator Campfield, his name was added as sponsor of **Senate Joint Resolution No. 635.**

On motion of Senators Ford, Gresham, Herron and McNally, their names were added as sponsors of **Senate Joint Resolution No. 736.**

On motion of Senator Berke, his name was added as sponsor of **Senate Joint Resolution No. 739.**

On motion of Senators Ford and Watson, their names were added as sponsors of **Senate Joint Resolution No. 741.**

On motion of Senators Bell, Campfield, Haynes, Roberts and Mr. Speaker Ramsey, their names were added as sponsors of **Senate Joint Resolution No. 759.**

On motion of Senator Gresham, her name was added as sponsor of **House Joint Resolution No. 734.**

On motion of Senators Herron, Roberts and Tracy, their names were added as sponsors of **House Joint Resolution No. 850.**

On motion of Senators Roberts and Tracy, their names were added as sponsors of **House Joint Resolution No. 851.**

On motion of Senator Roberts, his name was added as sponsor of **House Joint Resolution No. 852.**

On motion, all Senators' names were added as sponsors of **Senate Joint Resolution No. 671.**

WEDNESDAY, APRIL 11, 2012 -- 70TH LEGISLATIVE DAY

On motion of Senator Tracy, his name was added as sponsor of **House Joint Resolution No. 860**.

On motion of Senator Barnes, his name was added as sponsor of **House Joint Resolution No. 865**.

ENGROSSED BILLS

April 11, 2012

MR. SPEAKER: Your Deputy Chief Clerk begs leave to report that we have carefully examined Senate Bills Nos. 948, 1329 and 1504; and Senate Joint Resolutions Nos. 734, 735, 736, 737, 739, 740 and 741; and find same correctly engrossed and ready for transmission to the House.

ALAN WHITTINGTON,
Deputy Chief Clerk.

ENGROSSED BILLS

April 11, 2012

MR. SPEAKER: Your Deputy Chief Clerk begs leave to report that we have carefully examined Senate Joint Resolutions Nos. 671 and 759, and find same correctly engrossed and ready for transmission to the House.

ALAN WHITTINGTON,
Deputy Chief Clerk.

MESSAGE FROM THE HOUSE

April 11, 2012

MR. SPEAKER: I am directed to transmit to the Senate, House Bill No. 1572, passed by the House.

JOE MCCORD,
Chief Clerk.

MESSAGE FROM THE HOUSE

April 11, 2012

MR. SPEAKER: I am directed to transmit to the Senate, House Bills Nos. 2384, 2890 and 3129; passed by the House.

JOE MCCORD,
Chief Clerk.

MESSAGE FROM THE HOUSE

April 11, 2012

MR. SPEAKER: I am directed to transmit to the Senate, House Bill No. 2823, passed by the House.

JOE MCCORD,
Chief Clerk.

MESSAGE FROM THE HOUSE

April 11, 2012

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 2609. The House lifted the tabling motion, reconsidered and withdrew Amendment No. 1 and repassed Senate Bill No. 2609 on third and final consideration.

JOE MCCORD,
Chief Clerk.

MESSAGE FROM THE HOUSE

April 11, 2012

MR. SPEAKER: I am directed to transmit to the Senate, House Joint Resolutions Nos. 766, 869 and 871; adopted, for the Senate's action.

JOE MCCORD,
Chief Clerk.

MESSAGE FROM THE HOUSE

April 11, 2012

MR. SPEAKER: I am directed to transmit to the Senate, House Joint Resolution No. 891, adopted, for the Senate's action.

JOE MCCORD,
Chief Clerk.

MESSAGE FROM THE HOUSE

April 11, 2012

MR. SPEAKER: I am directed to return to the Senate, Senate Bills Nos. 2559, 3032 and 3616; substituted for House Bills on same subjects and passed by the House.

JOE MCCORD,
Chief Clerk.

MESSAGE FROM THE HOUSE

April 11, 2012

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 3580, substituted for House Bill on same subject and passed by the House.

JOE MCCORD,
Chief Clerk.

MESSAGE FROM THE HOUSE

April 11, 2012

MR. SPEAKER: I am directed to return to the Senate, Senate Joint Resolution No. 671, concurred in by the House.

JOE MCCORD,
Chief Clerk.

WEDNESDAY, APRIL 11, 2012 -- 70TH LEGISLATIVE DAY

MESSAGE FROM THE HOUSE

April 11, 2012

MR. SPEAKER: I am directed to return to the Senate, Senate Joint Resolutions Nos. 723, 727, 728, 729, 730 and 732; concurred in by the House.

JOE MCCORD,
Chief Clerk.

MESSAGE FROM THE HOUSE

April 11, 2012

MR. SPEAKER: I am directed to return to the Senate, Senate Joint Resolution No. 759, concurred in by the House.

JOE MCCORD,
Chief Clerk.

ENROLLED BILLS

April 11, 2012

MR. SPEAKER: Your Deputy Chief Clerk begs leave to report that we have carefully compared Senate Bills Nos. 2559, 2609, 3032, 3580 and 3616; and find same correctly enrolled and ready for the signatures of the Speakers.

ALAN WHITTINGTON,
Deputy Chief Clerk.

ENROLLED BILLS

April 11, 2012

MR. SPEAKER: Your Deputy Chief Clerk begs leave to report that we have carefully compared Senate Joint Resolutions Nos. 671, 723, 727, 728, 729, 730, 732 and 759; and Senate Resolution No. 95; and find same correctly enrolled and ready for the signatures of the Speakers.

ALAN WHITTINGTON,
Deputy Chief Clerk.

MESSAGE FROM THE HOUSE

April 11, 2012

MR. SPEAKER: I am directed to transmit to the Senate, House Bills Nos. 2237, 2456, 2612, 2806, 2861, 2961, 2978, 3323, 3443, 3505, 3581, 3717 and 3792; for the signature of the Speaker.

JOE MCCORD,
Chief Clerk.

MESSAGE FROM THE HOUSE

April 11, 2012

MR. SPEAKER: I am directed to transmit to the Senate, House Joint Resolutions Nos. 849, 850, 851, 852 and 860; for the signature of the Speaker.

JOE MCCORD,
Chief Clerk.

SIGNED

April 11, 2012

The Speaker announced that he had signed the following: Senate Bills Nos. 68, 673, 1447, 2230, 2237, 2313, 2413, 2671, 2678, 2714, 2718, 2723, 2742, 2796, 2821, 2838, 2916, 2976, 2982, 2987, 3424, 3604 and 3627; and House Bills Nos. 2281, 2295, 2296, 2329, 2378, 2505, 2544, 2794, 3039, 3214, 3255, 3338, 3539, 3548, 3570 and 3863.

SIGNED

April 11, 2012

The Speaker announced that he had signed the following: Senate Joint Resolutions Nos. 671, 723, 727, 728, 729, 730, 732 and 759; and Senate Resolution No. 95.

SIGNED

April 11, 2012

The Speaker announced that he had signed the following: House Joint Resolutions Nos. 849, 850, 851, 852 and 860.

MESSAGE FROM THE HOUSE

April 11, 2012

MR. SPEAKER: I am directed to return to the Senate, Senate Joint Resolutions Nos. 671, 723, 727, 728, 729, 730, 732 and 759; signed by the Speaker.

JOE MCCORD,
Chief Clerk.

MESSAGE FROM THE GOVERNOR

April 11, 2012

MR. SPEAKER: I am directed by the Governor to return herewith: Senate Bills Nos. 1945, 2167, 2214, 2221, 2248, 2250, 2252, 2304, 2305, 2306, 2307, 2308, 2309, 2310, 2311, 2337, 2353, 2396, 2403, 2648, 2717, 2822, 2872, 2931, 2961, 3007, 3010, 3011, 3024, 3071, 3116, 3260, 3383, 3384, 3386, 3388, 3389, 3390, 3411, 3552 and 3749; with his approval.

HERBERT H. SLATERY III,
Counsel to the Governor.

ADJOURNMENT

Senator Norris moved the Senate adjourn until 9:00 a.m., Thursday, April 12, 2012, which motion prevailed.